

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**
Case No. 3:20-CV-00710-FDW-DSC

HAYWARD INDUSTRIES, INC.,

Plaintiff,

v.

BLUEWORKS CORPORATION,
BLUEWORKS INNOVATION
CORPORATION, NINGBO C.F.
ELECTRONIC TECH CO., LTD; NINGBO
YISHANG IMPORT AND EXPORT CO.,
LTD.

Defendants.

**PLAINTIFF HAYWARD INDUSTRIES,
INC.’S MOTION FOR ALTERNATIVE
SERVICE ON DEFENDANTS
NINGBO C.F. ELECTRONIC TECH CO.,
LTD AND NINGBO YISHANG IMPORT
AND EXPORT CO., LTD**

Pursuant to Federal Rules of Civil Procedure 4(f)(3) and 4(h)(2), and in compliance with Local Civil Rule 7.1, Plaintiff Hayward Industries, Inc. moves for leave to serve the Summons and Complaint on foreign defendants Ningbo C.F. Electronic Tech Co., LTD and Ningbo Yishang Import and Expert Co., LTD (collectively, “Ningbo”) by alternative means—namely, by email and by posting messages through Ningbo’s interactive website and storefront on Alibaba.com. Such means is reasonably calculated to provide actual notice to Ningbo, comports with due process, and is not prohibited by The Hague Convention. Further facts and law supporting this motion are set out in Hayward’s accompanying memorandum of law and declarations of Erik Paul Belt and Tiberius Dinu.

WHEREFORE, Plaintiff Hayward Industries, Inc. respectfully moves this Honorable Court to permit service on foreign defendants Ningbo by alternative means.

Respectfully submitted this the 21st day of January, 2021,

HAYWARD INDUSTRIES, INC.

s/ Russ Ferguson

W. Clark Goodman (N.C. Bar No. 19927)

Russ Ferguson (N.C. Bar No. 39671)

Womble Bond Dickinson (US) LLP

One Wells Fargo Center

Suite 3500

301 South College Street, Suite 3500

Charlotte, NC 2202

Clark.goodman@wbd-us.com

Russ.Ferguson@wbd-us.com

Erik Paul Belt*

Anne E. Shannon*

McCARTER & ENGLISH, LLP

265 Franklin St.

Boston, Massachusetts 02110

Tel: (617) 449-6500

ebelt@mccarter.com

ashannon@mccarter.com

*admitted *pro hac vice*

Attorneys for Plaintiffs Hayward Industries, Inc.